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SPECIAL MEETING OF THE
REPUBLICAN RIVER COMPACT ADMINISTRATION

November 24, 2015
1:00 p.m. Central Time
Flatwater Group, Inc.
8200 Cody Drive, Suite A
Lincoln, Nebraska

MEMBERS PRESENT

- FOR NEBRASKA: Commissioner Gordon W. "Jeff" Fassett, Chair
Jesse Bradley
Justin Lavene
- FOR COLORADO: Commissioner Dick Wolfe (via conference call)
Ivan Franco (via conference call)
Scott Steinbrecher (via conference call)
Mike Sullivan (via conference call)
- FOR KANSAS: Commissioner David Barfield
Jackie McClaskey (via conference call)
Lane Letourneau
Chris Beightel
Earl Lewis
Tracy Streeter
Chelsea Erickson (via conference call)
Kenny Nelson
Pete Gile

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DEPARTMENT OF
NATURAL RESOURCES

1 PROCEEDINGS:

2 CHAIRPERSON WOLFE: All right. If the recorder's
3 ready, I'll go ahead and call this meeting to order.

4 THE REPORTER: I'm ready.

5 CHAIRPERSON WOLFE: This is a -- all right. Good
6 afternoon, everyone. This is Dick Wolfe, State Engineer for
7 Colorado and, also, the Colorado Commissioner for the
8 Republican River Compact Administration and also the current
9 Chairman. I hereby call this November 24th, 2015, special
10 meeting of the Republican River Compact Administration to
11 order. Here with me, in accordance with the agenda, we have
12 for introductions Scott Steinbrecher is here with me as
13 well, who works for the Attorney General's Office for
14 Colorado; Ivan Franco, who's the engineer advisor for
15 Colorado; and Mike Sullivan, who's the Deputy State
16 Engineer.

17 And at this time, I'll turn it over to
18 Commissioner Fasset for those at your location, if you want
19 to do introductions.

20 COMMISSIONER FASSETT: There's quite a group here,
21 Mr. Chairman. With me on behalf of the State is Jesse
22 Bradley, members of our consulting team, and Justin Lavene
23 from the Attorney General's Office. We're actually
24 circulating a sign-up list so that we can capture all the
25 various folks from the States as well as visitors here from

1 a variety of the irrigation districts in the state as well.

2 David?

3 COMMISSIONER BARFIELD: Yes, Dave Barfield here,
4 Commissioner for Kansas. Yeah, as Mr. Fassett recognized,
5 there's quite a large group here today. With me is -- on
6 the phone is Jackie McClaskey, Secretary of Agriculture.
7 And with me is Tracy Streeter and Earl Lewis of the Kansas
8 Water Office; Lane Letourneau and Chris Beightel with the
9 Division of Water Resources at the Kansas Department of
10 Agriculture; and, on the phone, is Chelsea Erickson from our
11 Stockton Field Office. We have Kenny Nelson and Pete Gile
12 and his Board from the Kansas Bostwick Irrigation District.

13 CHAIRPERSON WOLFE: Thank you, Commissioners.

14 Is there anyone else that's joined by phone since
15 we've started the meeting?

16 (No response.)

17 Hearing none, we'll continue on through our
18 agenda. Are there any modifications to the agenda?

19 COMMISSIONER FASSETT: None from Nebraska.

20 COMMISSIONER BARFIELD: None from Kansas. I think
21 we might note for the record that all three States agreed to
22 waive the typical notice for these meetings so that we could
23 conduct this business today.

24 CHAIRPERSON: Yes, thank you, Commissioner
25 Barfield. That acceptance of waiver was done via e-mail

1 between the three commissioners, and is hereby recognized by
2 the Chair. And if there's no modifications to the agenda,
3 we'll adopt it by unanimous consent.

4 Next, we'll take up our only action item, 3a. And
5 at this time, I'd like to turn it over to Commissioner
6 Fasset to introduce action item 3a.

7 COMMISSIONER FASSETT: All right. Thank you, Mr.
8 Chairman.

9 What's before you today was brought by Nebraska.
10 As we've been working since we first entered this resolution
11 back in August of 2015, we've continued, each -- both Kansas
12 and Nebraska have been working as best we can with the
13 relevant entities and irrigation districts on the aspect of
14 our August resolution that was focused on the development of
15 an MOA, which would be prepared and executed in a manner
16 that would allow the resolution to be -- in conformance with
17 the resolution and allow the resolution to be implemented.
18 About a week or so ago, I think all of the commissioners
19 received an early draft of an MOA. That had been developed
20 and shared with the commissioners by Aaron Thompson from the
21 Bureau of Reclamation on the districts' behalf. We
22 understand that there is continuing dialogue and discussions
23 associated with that MOA, but the early look at that MOA
24 draft appeared to leave us in a position where, if executed,
25 it would not be consistent with the resolution that was

1 adopted in August.

2 As a result, we have proposed and sought input
3 from the member states at -- an amendment to our August 27th
4 resolution, which would allow -- maintain the obligation or
5 the option of pursuing the MOA approach, but would add some
6 additional alternative strategies or authorizations that the
7 State of Nebraska could use to, again, facilitate the
8 implementation of the resolution that we adopted.

9 And that's really what we have before us today, is
10 -- I can step through very briefly the changes that are
11 presented in the draft amended resolution. We did amend the
12 title itself, as before you, to reflect that this is yet
13 another step in the process. It is amending the resolution
14 of August 27th. We added a "whereas" to clarify that there
15 was that resolution and then the one that we're seeking
16 adoption of today.

17 There were two changes under provisions under 1(c)
18 and (d) that made specific reference to the water
19 accounting. We also removed a phrase in 1(c) associated
20 with other Kansas uses -- users, excuse me, -- that was in
21 the prior resolution.

22 But, perhaps, our primary purpose in presenting
23 this amendment today was under item number 7. We are
24 suggesting that the contingency that we adopted back in
25 August, which was written to seek an amendment to the MOA

1 that was between NBID and KBID that could be executed to
2 help us implement this resolution, in addition to that
3 option, we are seeking an amendment today that would allow
4 Nebraska to use our administrative authorities to effectuate
5 the resolution as well.

6 That's kind of a quick overview. Let me, perhaps,
7 let Mr. Bradley comment any further, if he wants to capture
8 anything that I didn't quite sort of characterize today.

9 Jesse?

10 MR. BRADLEY: No, I think that captures the nature
11 of the changes.

12 COMMISSIONER FASSETT: So, again, we're -- the
13 thrust is to not detract from the resolution. We are open
14 and, hopefully, the negotiations will -- may indeed
15 continue. We are told they are continuing. But we felt it
16 was important and timely, as a result of the operations and
17 the flow situation in the river basin at this time, that we
18 give ourselves another alternative so that Nebraska can
19 honor the commitment we made in the resolution that was
20 adopted back in August. That's very important to us, and so
21 we're asking for this amendment to be approved, allowing
22 that option to be, again, another tool, if you will, to
23 allow this resolution to be implemented.

24 CHAIRPERSON WOLFE: Thank you, Commissioner
25 Fassett.

1 Commissioner Barfield, do you have any comments?

2 COMMISSIONER BARFIELD: Just a couple. Certainly,
3 we, you know, we've been discussing with the States this
4 change, and, as we'll hear in a moment, agree with it.
5 Again, I would also underscore Commissioner Fassett's
6 statement that, you know, we hope still to get to
7 effectuating the States' agreement through modification to
8 the MOA, if at all possible, but want to provide another way
9 to get there.

10 With respect to the change to item 1(c) that
11 Commissioner Fassett referenced, just we -- Kansas requested
12 that change. We certainly want to continue to explore in
13 our long-term discussions with respect to the resolution of
14 the issues and our working together as States. We want to
15 continue to explore the alternative or opportunity where, if
16 the water supply available to Kansas is beyond the needs of
17 Kansas Bostwick Irrigation District, a way to see if we can
18 meet some of our needs in Kansas. But with respect to this
19 resolution and the anticipated water supply in 2016, we just
20 don't see that that alternative needs to be part of this
21 resolution and have, therefore, asked to, just for the sake
22 of clarity, to drop that phrase.

23 CHAIRPERSON WOLFE: Thank you, Commissioner
24 Barfield.

25 Is there any other discussion to come before the

1 Commission this time regarding this action item?

2 (No response.)

3 Hearing none, at this time, I would entertain a
4 motion to approve a resolution of the Republican River
5 Compact Administration titled: Amended Resolution Approving
6 Accounting Adjustments and Agreements Related to the
7 Operation of Harlan County Lake for Compact Year 2016, dated
8 November 24th, 2015.

9 COMMISSIONER BARFIELD: This is Commissioner
10 Barfield. I would so move.

11 COMMISSIONER FASSETT: This is Commissioner
12 Fassett. I would second.

13 CHAIRPERSON WOLFE: Okay. There's been a motion
14 and a second. Any further discussion on the motion?

15 (No response.)

16 Hearing none, we'll take a roll call. All those
17 in favor, say "aye."

18 COMMISSIONER BARFIELD: Aye.

19 COMMISSIONER FASSETT: Aye.

20 CHAIRPERSON WOLFE: Aye.

21 Any opposed, "nay."

22 (No response.)

23 Motion carries.

24 That's all we have before us as far as action
25 items. If there are no objections at this time in regards

1 to adjournment, I'll consider this special meeting closed.

2 COMMISSIONER BARFIELD: That's fine. Thank you.

3 COMMISSIONER FASSETT: Yeah, no objection. Thank
4 you, Mr. Chairman.

5 CHAIRPERSON WOLFE: Thank you.

6 (Whereupon, at 1:16 p.m. on November 24, 2015, the
7 special meeting was concluded.)

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